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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

-against-

A1559749699-1, et al.

Defendants.

1:20-cv-04679-MKV

ORDER

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

-against-

1TREE OUTDOOR STORE, et al.

Defendants.

1:20-cv-04680-MKV

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

-against-

ANTIKER, et al.

Defendants.

1:20-cv-04681-MKV

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

-against-

ABCHOUSE, et al.

Defendants.

1:20-cv-04682-MKV

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

-against-

BERNARD.HK, et al.

Defendants.

1:20-cv-04683-MKV

MARY KAY VYSKOCIL, United States District Judge:

A review of court records indicates that this action was commenced on June 17, 2020 when Plaintiff IdeaVillage Product Corp. brought five separate but related actions against hundreds of defendants it has accused of infringing its intellectual property, namely a series of trademarks and copyrighted works related to its HD VISION suite of eyewear. *See, e.g.*, 20-cv-4679, ECF 7. Each action corresponds to a different online marketplace (such as eBay, Ali Baba, or Amazon) and names dozens or hundreds of virtual storefronts selling allegedly infringing products on that network. Each action was filed under seal and sought a temporary restraining order (“TRO”), and eventually a preliminary injunction, to prevent defendants from continuing to sell counterfeit products during the pendency of this action. The Court granted the TROs, which included a provision for alternative service via email, and set a hearing for the preliminary injunctions on July 21, 2020. *See, e.g.*, 20-cv-4679, ECF 18.

Plaintiff filed certificates of service in each action, which all stated that “pursuant to the methods of alternative service authorized by the TRO, Plaintiff served a copy of the Summons, Complaint, TRO and all documents filed in support of Plaintiff’s Application on each and every Defendant,” except for certain Defendants that Plaintiff was unable to serve. *See, e.g.*, 20-cv-4679, ECF 26. The Court has compared the certificates of service filed in each action, *see, e.g.*, 20-cv-4679, ECF 26, and the Motions for Default Judgment filed in each action, *see, e.g.*, 20-cv-4679, ECF 49, and notes that several Defendants that Plaintiff moves against do not appear to have been served with a copy of the Summons, Complaint, TRO and all documents filed in support of Plaintiff’s Application.

The Defendants who do not appear to have been served are listed below:

- 20-cv-4679: Defendants bigfashionmarket, direct_motor, and eforce-auto.


Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The plaintiff is directed to serve the Summons, Complaint, TRO and all documents filed in support of Plaintiff's TRO Application, Plaintiff's Supplemental Submission, the 7/23/20 Opinion and Order, and a copy of the Notice of Pretrial Conference on these defendants on or before December 9, 2021. If service has not been made on or before December 9, 2021, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure as to each of these defendants.

SO ORDERED.

Dated: November 30, 2021
New York, New York


HON. MARY KAY VYSKOCIL
United States District Judge